

**ORDINANCE NO. 20050623-134**

**AN ORDINANCE AMENDING CHAPTER 5-1, ARTICLE 3 OF THE CITY CODE RELATING TO ACCESSIBILITY IN HOUSING CONSTRUCTED WITH PUBLIC FUNDS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Section 5-1-133 of the City Code is repealed and replaced with a new Section 5-1-133 to read:

**§ 5-1-133    WAIVER OF EXTERIOR ACCESSIBILITY REGULATIONS.**

(A) The building official may waive the requirements of Section 5-1-141 (*Building Entrances*) for a site or lot, as applicable, if the applicant files a written waiver application that demonstrates that:

- (1) the topography of the site meets the site test; or
- (2) the lot:

- (a) is located in a National Register Historic District;
  - (b) has an area of 3600 square feet or less; and
  - (c) has a ten percent or greater slope from the public right-of-way to the entrance.

(B) The building official or the council, as applicable, may waive the requirements of Section 5-1-141 (*Building Entrances*) in accordance with this subsection.

(1) For a lot to be eligible for a waiver, the applicant must file a written application that demonstrate that:

- (a) the lot has an area of 3960 square feet or less;
  - (b) the lot is a corner lot or adjacent to a corner lot;
  - (c) the access to the lot's required off-street parking is from a rear alley; and
  - (d) the portion of the alley adjacent to the lot has a slope of 10 percent or more.

- (2) The building official may grant a waiver after determining that the requirements of Paragraph (1) are met. The building official may not grant waivers to more than five percent of the lots in a subdivision.
  - (3) The applicant or a person interested in the application who files written comments under Subsection (D) may appeal the decision of the building official to council.
  - (4) The council may grant waivers to more than five percent of the lots in a subdivision after determining that the requirements of Paragraph (1) are met.
- (C) A person requesting a waiver under this section must file an application with the building official and deliver a copy to the community development officer, including the documents necessary to demonstrate the applicant's eligibility for the waiver. The community development officer shall give notice of the waiver request to all persons interested in the application who file written comments under Subsection (D) not later than the 10<sup>th</sup> day after the date the application is filed.
- (D) A person interested in the application may file written comments relating to a waiver application with the building official and the community development officer, not later than the 20<sup>th</sup> day after the date the application is filed.
- (E) The building official shall, not later than the 25<sup>th</sup> day after the date the application is filed:
- (1) make a decision on the application; and
  - (2) if the waiver is granted, issue a written waiver to the applicant.
- (F) The community development officer shall mail notice of the building official's decision to the applicant, persons interested in the application who have filed written comments under Subsection (D), the Community Development Commission, and the Mayor's Committee for People with Disabilities.

**PART 2.** Section 5-1-134 of the City Code is amended to read:

**§ 5-1-134 APPEAL.**

- (A) An applicant for an exterior disability accessibility waiver or a person interested in the application who submits written comments under Section 5-1-133(D) [~~5-1-133(B)~~] (*Waiver of Exterior Accessibility Regulations*) may appeal a decision of the building official under Section 5-1-133(A) [~~5-1-133~~] (*Waiver of Exterior Accessibility Regulations*) by filing a written appeal with

the building official not later than the 20<sup>th</sup> day after the ~~[decision was issued]~~  
notice of the decision is mailed.

(B) The building official shall forward a copy of the appeal to the Building and Fire Code Board and request a hearing and action on the appeal at the next available Building and Fire Code Board meeting. The building official shall send written notice of the date of the hearing to the appellant and each person interested in the application who submits written comments under Section 5-1-133(D) [5-1-133(B)] (Waiver of Exterior Accessibility Regulations) not later than the 10<sup>th</sup> day before the Building and Fire Code Board meeting.

(C) The building official shall mail notice of the decision of the Building and Fire Code Board to the applicant and each person interested in the application who submits written comments under Section 5-1-133(D) (Waiver of Exterior Accessibility Regulations) not later than the 10<sup>th</sup> day after the Building and Fire Code Board makes its decision.

**PART 3.** Section 5-1-141(B) of the City Code is amended to read:

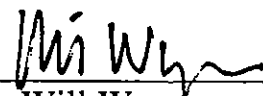
(B) The building entrance may be at the front, side, or back of a dwelling provided it is served by an accessible route, including a walking surface from a garage, ramp, ~~[or]~~ sidewalk, or public right-of-way that is within 200 feet of the building entrance.

**PART 4.** This ordinance takes effect on July 4, 2005.

**PASSED AND APPROVED**

\_\_\_\_\_, June 23 \_\_\_\_\_, 2005

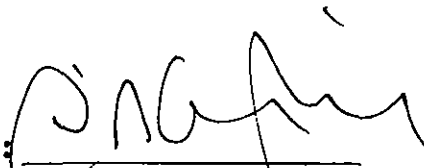
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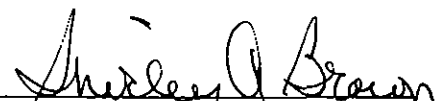
Will Wynne

Mayor

**APPROVED:**

  
\_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:**

  
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Shirley A. Brown  
City Clerk